to recover. *State* v. *Industrial Commission of Ohio,* (Ohio, 1915) 111 N. E. 299.

This question of the vesting of the right to compensation is one which has arisen but a few times. No case appears to touch this question in the United States. However, two English cases and one Irish case appear to have decided the matter. In *United Colliers Limited* v. *Simpson,* [1909] A. C. 383, it was held that the personal representatives of the dependent might recover, since the right to compensation vested at the moment the employee was killed. *In Re O'Donovan and Cameron, Swan and Company,* [1901] 2 I. R. 633, has been cited as authority for the proposition that upon death of dependent, the personal representatives may not recover compensation due. But all that the case decides is that if dependent dies before presenting a claim, the personal representatives may not recover. Indeed, Lord ASHBOURNE says in his opinion, "But I say nothing as to what the rights of the parties would have been had the deceased's mother died after the institution of the proceedings." In *Darlington* v. *Roscoe and Sons* [1907] 1 K. B. 219, 76 L. J. Rep. 371, it is held that if a dependent gives notice of his claim, but dies before instituting proceedings, his personal representatives may recover. In the opinion of the court a very satisfactory answer is given to the doctrine often urged in defense of these claims, the doctrine that the maxim "Actio personalis moritur cum persona" applies.

WORKMEN'S COMPENSATION—EXTRA-TERRITORIAL EFFECT OF ACT.—G was killed while at work in a mine; he was a citizen of West Virginia, and was employed by the Davis Coal and Coke Co., which was also a West Virginia Company. The accident occurred in a part of the mine which was in Maryland though the mouth, or tipple, of the mine was in West Virginia. The widow sued in West Virginia under the provisions of its Compensation Act. The statute contained no provision for suits outside the state. *Held,* that she was entitled to recover as if the death had occurred in the state where the contract was made. *Gooding* v. *Ott, Commissioner,* (W. Va. 1916) 87 S. E. 862.

When there is no provision in the statute itself in regard to its extra-territorial effect, there is a conflict of authority. Massachusetts and Great Britain—by decisions of their courts—and Michigan and Wisconsin—by rulings of their Industrial Boards—hold that, in the absence of a provision in the statute itself, it has no extra-territorial effect; and where the accident occurs outside the state, a claim for compensation cannot be enforced in the state under the statute. *Gould's Case,* 215 Mass. 480, 102 N. E. 693; *Keyes-Davis Co.* v. *Allerdice,* Mich. Ind. Acc. Board (1913); *Ruling of Wis. Ind. Com.* (not in actual litigation); *Schwartz* v. *Telegraph Co.* [1912] 2 K. B. 299, 5 B. W. C. C. 390. In New Jersey and Ohio the opposite conclusion has been reached. *Deeny* v. *Wright & Cobb Lighterage Co.,* 36 N. J. Law J. 121; *Re Edward Schmidt,* Claim No. 6, Ohio St. Lia. B'd Aw'd (1912). The principles controlling the former line of cases is well stated by the court in *Gould's Case*: "To say that such acts are intended to operate on injuries received outside the state enacting them would give rise to many difficult

questions in conflict of laws. It would require a large dependence upon the comity of other states in enforcing our act, and in refraining from enforcing theirs as to a subject which commonly is wholly under the control of the several states and with which a considerable number have manifested an intent to deal by new and special legislation. If employees and employers carry their domiciliary personal injury law with them to other jurisdictions, confusion would ensue in the administration of the law and allow the appearance of inequality among those working under similar conditions. Such a result, if intended, should be disclosed by unambiguous words." The opposite view is well stated by the court in the principal case: "The law of the place where the contract is made should govern the relations between the employer and the employee wherever they may be." It should be noticed in this connection that the court does not base its decision wholly on this theory but on what it determines was the legislative intent, considering the provisions of the former act (1913) which did provide for such extra-territorial effect. The converse of this proposition was held by the Washington Court in *Reynolds* v. *Day,* 79 Wash. 499, 140 Pac. 681, which held that a common-law action may be brought in Washington for an injury received in Idaho in which state the common law remedy prevails, though, under the Washington Compensation Act, such an action would not lie for an injury received in Washington. But this point is covered by the Compensation Act of most states, and there seems little difficulty regarding it.

WORKMEN'S COMPENSATION—INJURY "IN COURSE OF EMPLOYMENT."—A and others were employed in erecting a building; there was no water fit for drinking in the building, so the employees were in the habit of bringing it, in pails and bottles, from a neighboring well. Another employee had been engaged in applying a liquid known as lapidolith, used to harden cement, and had left some in a bottle which he placed in a bucket over which he placed a card marked "Poison." The fluid was clear and looked like water. A drank from the bottle without noticing the card and died from the effects of the poison. His widow sued for compensation for his death. *Held,* that acts of ministration of a servant unto himself, such as quenching his thirst, performance of which while at work are reasonably necessary to his health and comfort, are incidents of his employment and acts of service therein, within the meaning of the Workmen's Compensation Law; and an accidental injury sustained in the performance of such acts is compensable under said statute as one incurred in the course of the employment and resulting therefrom. *Archibald* v. *Ott, Commissioner,* (W. Va. 1916) 87 S. E. 791.

The general principle governing this class of cases seems well settled. While differing in special applications, the cases unite in the proposition that an injury from acts which the parties must have contemplated to be necessary from the character of the work and the circumstances, is an injury "resulting from the employment" and is compensable. *Vennen* v. *New Dells Lumber Co.,* 161 Wis. 370, 154 N. W. 640; *Zabriskie* v. *Erie Ry. Co.,* 85 N. J. L. 157, 88 Atl. 824; *Alloa Coal Co.* v. *Drylie,* [1913] Session Cases 549, 4 N. C. C. A. 899; *Eke* v. *Hart-Dyke,* [1910] 2 K. B. 677. Generally a servant